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Dated: April 14, 2007      Signature: /Mark D. Russett/  
Mark D. Russett, Reg. No. 41,281

Docket No.: 68099 (70820)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hiroyuki Tawada et al.

Application No.: 10/506,955

Filed: November 17, 2004

For: PROCESS FOR PRODUCING OPTICALLY  
ACTIVE SULFOXIDE DERIVATIVE

Confirmation No.: 6911

Art Unit: 1624

Examiner: B.L. Coleman

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants are in receipt of the Office Communication dated March 14, 2007, and now submit this response.

Applicants respectfully request reconsideration of the Restriction Requirement on the grounds that consideration and examination of the groups specified in the Restriction should not impose an undue burden. Additionally, significant expense and time would be saved if all of the groups (i.e., all pending claims) were searched and examined at this time.

Solely to comply with the Restriction Requirement, Applicants select with traverse the invention of Group III, claims 1 and 2, directed to a process for preparing compounds of Formula 1 in which m is 3, as set forth in the Office Communication. Applicants further submit that, pursuant to PCT Rule 13.2 and 37 CFR 1.475(b)(2), a national stage application will be considered to have unity of invention if the claims are drawn to a product and a process of use of that product (e.g., a compound of Formula II, and salts thereof, and a process for using said compound to prepare a compound of

Formula I). Applicants therefore submit that claims 1-2 and claims 3-5 have unity of invention and should be examined together.

Moreover, solely to comply with the tentative requirement that Applicants select a single disclosed species, Applicants elect the compound of Example 19 ((-)-8-[4-(2-butoxyethoxy)phenyl]-1-isobutyl-N-(4-[(1-propyl-1H-imidazol-5-yl)methyl]sulfinyl}phenyl)-1,2,3,4-tetrahydro-1-benzoazocine-5-carboxamide methanesulfonate).

It is believed that, of the selected claims, at least claims 1-2 read upon the elected species.

The election of Group III and the above election of species are made to comply with the Restriction Requirement, without prejudice, and the right to file divisional applications on non-elected subject matter is reserved.

Early and favorable consideration of the application is earnestly solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 68099 (70820).

Dated: April 14, 2007

Respectfully submitted,

By           /Mark D. Russett/            
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